IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2021 of 1999
and
CIVIL APPLICATION NO. 2545 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SOLARSON INDUSTRIES LTD

Versus

GUJARAT INDUSTRIAL DEVELOP. CORPN

Appearance:

MR MIHIR THAKORE for Petitioner and MR MB GANDHI for Respondent - Gujarat Industrial Development Corpn. in SCA No.2021/99

MR MB GANDHI for applicant and MR MIHIR THAKORE for opponent in CA No.2545/99

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 13/04/2000

COMMON ORAL JUDGEMENT

The matter came up before this Court on the Civil Application which has been filed by the Gujarat Industrial Development Corpn. in the main Special Civil Application. The Civil Application is for vacating the ex-parte ad-interim relief dated 23rd March 1999 passed in the main Special Civil Application No.2021 of 1999. The original petitioner, i.e. Solarson Industries Ltd. had taken the allotment of a plot of 62416.56 sq.mtrs. of land situated at Por Industrial Estate from the Gujarat Industrial Development Corpn. by way of a lease agreement dated 3rd May 1994. The allotment price of the said plot was Rs.79,60,238/-. The petitioner paid 25% of the allotment price to the Gujarat Industrial Development Corpn. on the date of allotment and the balance amount was scheduled to be paid in 32 quarterly instalments over a period of eight years beginning from 13th May 1995. There is no dispute that the petitioner failed to pay the outstanding dues by way of instalments as was expected and the Gujarat Industrial Development Corpn. passed the order dated 1st March 1999 against which the present petition has been filed.

2. The petitioner has come with the grievance that its proposal dated 13th May 1998 for surrendering 16500 sq.mtrs. of land bearing Survey No.467 of Por Industrial Estate, Dist. Vadodara be directed to be accepted by the Gujarat Industrial Development Corpn. and the Gujarat Industrial Development Corpn. may not take back the possession of the entire plot bearing Survey No.467. This petition was filed before this Court on 22nd March 1999 and on 23rd March 1999, the ex-parte ad-interim order was passed while issuing notice as to why the Special Civil Application should not be admitted, heard and finally disposed of at the admission stage. The notice was made returnable for 28th April 1999 and till then, the respondent was restrained from taking possession of the land in question from the petitioner.

3. The aforesaid order dated 23rd March 1999 is as good as Rule and therefore, Mr.M.B.Gandhi has waived the service of the Rule. With the consent of both the sides, the matter was taken up for final disposal as ordered by the Court on 23rd March 1999.

4. Mr.Gandhi has pointed out on behalf of the Gujarat Industrial Development Corpn. that the scheme on the basis of which the proposal dated 13th May 1998 was made by the petitioner is no more operative and therefore, there is no question of accepting such proposal. I do not find it a case worth any interference

by this Court for the purpose of any of the reliefs claimed by the petitioner so as to accept the petitioner's proposal dated 13th May 1998 and there is no illegality in the order dated 1st March 1999 which is impugned in this petition.

5. However, in the facts and circumstances of this case, since the ex-parte ad-interim order has been operating since 23rd March 1999, it is ordered that the effect of this ad-interim order shall continue till 12th June 2000 subject to the condition that the original petitioner Solarson Industries Ltd. deposits a sum of Rs.25,00,000/- (Rupees Twentyfive lakhs only) with the respondent Gujarat Industrial Development Corpn. within a period of one month from today, i.e. on or before 13th May 2000. It is further made clear that in case the petitioner fails to deposit the said amount with the Gujarat Industrial Development Corpn. by 13th May 2000, the effect of the ad-interim order shall come to an end forthwith, i.e. even prior to 12th June 2000. This Special Civil Application is hereby dismissed. The Rule is hereby discharged.

6. Since the main Special Civil Application has been dismissed, the Civil Application for vacating the ad-interim order does not survive. The same is disposed of accordingly.

(M.R. Calla, J.)

******

Sreeram.